



Journal of the House

State of Indiana

119th General Assembly

Second Regular Session

Fifteenth Day

Wednesday Morning

February 3, 2016

The invocation was offered by Pastor Mike Wiggin of City Life Church in Greenwood, a guest of Representative David N. Frizzell.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Boy Scouts serving as pages today.

The Speaker ordered the roll of the House to be called:

Arnold	Kirchhofer
Austin	Klinker
Aylesworth	Koch
Bacon	Lawson
Baird	Lehe
Bartlett	Lehman
Bauer	Leonard
Behning	Lucas
Beumer	Lyness
Borders	Macer
Braun	Mahan
C. Brown	Mayfield
T. Brown	McNamara
Burton	D. Miller
Carbaugh	Moed
Cherry □	Morris
Clere	Morrison
Cook	Moseley
Cox	Negele
Culver	Niezgodski
Davisson	Nisly
DeLaney	Ober
Dermody	Olthoff
DeVon	Pelath
Dvorak	Pierce
Eberhart	Porter
Ellington	Price
Errington	Pryor
Fine	Rhoads
Forestal	Richardson
Friend	Riecken
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz
Hale	M. Smith
Hamm	V. Smith
Harman	Soliday
D. Harris	Speedy
Heaton	Stemler
Huston	Steuerwald
Judy	Sullivan
Karickhoff	Summers
Kersey	Thompson

Torr
Truitt
VanNatter
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 161: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: □ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 8, 2016, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 23

Representatives Lehe and VanNatter introduced House Concurrent Resolution 23:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename State Road 75 between the northern entrance of the town of Cutler and the southern entrance off of State Road 75 the "Cary D. Landis Memorial Mile".

Whereas, Cary D. Landis was born in Claypool, Kosciusko County, on May 10, 1873, and died in Tallahassee, Florida, on May 10, 1938;

Whereas, A graduate of the University of Michigan School of Law, Cary D. Landis had a long and varied career, including positions as school principal in Burlington, Indiana, lawyer, law professor, and the state attorney general of Florida;

Whereas, The son of David and Elizabeth Landis, Cary married Margaret Weaver on September 4, 1895, and had two sons and one daughter;

Whereas, In 1899, Cary D. Landis and Fred H. Bowers formed a partnership and established the legal firm of Bowers & Landis;

Whereas, In 1901, Cary D. Landis moved to Florida and joined the faculty of Stetson College of Law as an Assistant Professor of Law;

Whereas, In 1902, Cary D. Landis and Bert Fish founded Landis Graham French Law Firm in Volusia County, Florida;

Whereas, In 1911, Landis was elected Florida state attorney for the Seventh Judicial Circuit, and in 1931, he was appointed as Florida's attorney general by Doyle Carlton, the newly elected governor; and

Whereas, Cary D. Landis' beginnings were modest, but his career was stellar as his life progressed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename State Road 75 between the northern entrance of the town of Cutler and the southern entrance off of State Road 75 the "Cary D. Landis Memorial Mile".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation and Mark A. Smith, Carroll County Historian and Museum Coordinator.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 24

Representatives Lehe and VanNatter introduced House Concurrent Resolution 24:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename the section of State Road 25 in Carroll County from State Road 39 to E. 900 N. as the Carroll County Veterans Memorial Highway.

Whereas, The torch of patriotism has been held high in Indiana by brave men and women willing to fight to ensure that freedom forever lives in our country and around the world;

Whereas, The General Assembly recognizes the great sacrifices made by Indiana veterans in the service of their state in time of war;

Whereas, These veterans served their state and country well, sometimes making the ultimate sacrifice in the service of their country;

Whereas, These Carroll County veterans served their country bravely and honorably in World War II, Korea, Vietnam, Grenada, and Desert Storm;

Whereas, Because America has relied upon her veterans in times of war to protect our way of life, it seems only just and proper that America honor the veterans of all her wars; and

Whereas, Many states, including Indiana, have designated and named portions of a state or federal highway as a memorial to those who served our nation in time of war: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to provide the necessary signage to rename the section of State Road 25 in Carroll County from State Road 39 to E. 900 N. as the Carroll County Veterans Memorial Highway.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 18

Representative Saunders introduced House Resolution 18:

A HOUSE RESOLUTION urging the Indiana Department of Transportation to name the bridge on Highway 52 over the Flatrock River in Rushville the "Joseph Cotton Bridge".

Whereas, Joseph Frederick Cotton was born in Rushville on January 21, 1922, the son of Mr. and Mrs. Joseph A. Cotton;

Whereas, Joseph graduated from Manilla High School, where he was a member of the basketball team and the 4-H Club;

Whereas, Joseph helped his father on the family farm until he was 20 years old and was smitten with flying;

Whereas, Joseph, whose flight instructor was Bob Winter, first soloed in a Taylorcraft plane at New Castle;

Whereas, Infatuated with flight, Joseph enlisted in the Army Air Corps and received his flight training in Texas;

Whereas, Joseph was commissioned as a second lieutenant and received his wings on June 26, 1943;

Whereas, As the co-pilot of a B-17 bomber on a mission over Athens, Greece, in November 1943, he was hit by enemy fire and forced to crash land on the island of Corfu, which was under German control;

Whereas, Joseph and the crew survived with the help of the Greek nationals and eventually arrived on Italian shores, where they were welcomed by a British merchant ship and sent on the final leg of their journey back to American hands;

Whereas, Soon after that Joseph began his career as a test pilot, ending up as the chief test pilot for the Air Force;

Whereas, Joseph piloted many exotic planes as a test pilot, including the XB-70, known as the Valkyrie;

Whereas, After retiring from the Air Force, Colonel Joseph Cotton was an engineering flight test pilot for United Airlines in San Francisco for 13 years;

Whereas, As a United Airlines test pilot, Joseph flew 84 different types of aircraft for a total of over 15,800 flight hours;

Whereas, During his career Joseph received numerous awards and recognitions, including being named the 1966 Pilot of the Year by the International Order of Characters, a Legion of Merit, an Air Medal, the Air Force Commendation Medal, and the Aerospace Walk of Honor; and

Whereas, Joseph Cotton spent his life looking for the next plane to master: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the many accomplishments and contributions to the aviation industry made by Joseph Cotton. The members of the Indiana House of Representatives urge the commissioner of the Indiana Department of Transportation to name the bridge over the Flatrock River on U.S. Highway 52 in Rushville the "Joseph Cotton Bridge" in his honor.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation and Joseph Cotton.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 19

Representatives Ober and Leonard introduced House Resolution 19:

A HOUSE RESOLUTION honoring Flint & Walling.

Whereas, Flint & Walling began operations in Kendallville in 1866, and in 2016 will celebrate 150 years in the water systems industry;

Whereas, Still located at the corner of Mitchell and Oak streets, the company first built hand-operated water pumps and the Flint & Walling windmill, a revolutionary product that quickly spanned the globe;

Whereas, Today the company manufactures submersible pumps, centrifugal pumps, jet pumps, and booster pumps for

home, farm, and industry, with a specialty line that includes city pressure booster pumps and fountain pond pumps;

Whereas, Flint & Walling is the only United States pump company that manufactures its own 4 inch submersible motors, jet pump motors, and centrifugal pump motors;

Whereas, Flint & Walling employs approximately 150 workers, several of whom are third and fourth generation employees; and

Whereas, Flint & Walling has actively supported the community for 150 years: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Flint & Walling on the occasion of the 150th anniversary of its founding. Flint and Walling is a responsible company that has been an invaluable asset to Kendallville by its support of educational and charitable programs.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to President Scott Lechner.

The resolution was read a first time and adopted by voice vote.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1004

Representative Behning called down Engrossed House Bill 1004 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions and education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 162: yeas 57, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse, Bassler, Banks and Kenley.

Engrossed House Bill 1130

Representative Wesco called down Engrossed House Bill 1130 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 163: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Engrossed House Bill 1215

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1215, Representative Cherry, granted consent to the coauthor, Representative T. Brown, to call the bill down for third reading. Representative T. Brown called down Engrossed House Bill 1215 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 164: yeas 98, nays 0. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Crider.

Engrossed House Bill 1263

Representative Kirchhofer called down Engrossed House Bill 1263 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 165: yeas 74, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Crider, Pat Miller and Tallian.

Engrossed House Bill 1290

Representative T. Brown called down Engrossed House Bill 1290 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 166: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

Engrossed House Bill 1299

Representative Wolkins called down Engrossed House Bill 1299 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 167: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Eckerty and Brown.

Engrossed House Bill 1300

Representative Wolkins called down Engrossed House Bill 1300 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 168: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bassler.

Engrossed House Bill 1390

Representative Smaltz called down Engrossed House Bill 1390 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 169: yeas 92, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele, Head, Messmer and Houchin.

OTHER BUSINESS ON THE SPEAKER'S TABLE

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1040, Roll Call 44, on January 25, 2016. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently push the nay button when I intended to vote yea."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 44 to 93 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Niezgodski's second reading amendment (Amendment 1) to House Bill 1161, Roll Call 32, on January 25, 2016. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote, I was unable to register my vote. I intended to vote nay."

FRYE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 32 to 27 yeas, 63 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representatives Porter, Koch and Burton be added as coauthors of House Bill 1290.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Lucas, M. Smith, Soliday and Zent be added as coauthors of House Bill 1390.

SMALTZ

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Rhoads be removed as cosponsor of Engrossed Senate Bill 96.

TRUITT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Rhoads be added as cosponsor of Engrossed Senate Bill 251.

BEHNING

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 1, 14, 28, 31, 40, 41, 45, 57, 61, 128, 147, 163, 167, 171, 172, 187, 206, 214, 217, 219, 225, 232, 234, 238, 242, 250, 253, 256 and 267 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative Smaltz, the House adjourned at 12:43 p.m., this third day of February, 2016, until Monday, February 8, 2016, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives